

238 South Wolfe Street  
Baltimore, MD 21231  
July 8, 2006



10/715 192  
IFW

Commissioner of Patents and Trademarks  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Alicia M. Torres

Dear Ms. Torres,

I am submitting these amendment papers in response to your first Office Action, mailed on April 26, 2006, regarding U.S. Patent Application No. 10/715,192. Enclosed is an introductory remarks section and an amendment to the specification in compliance with 37 C.F.R. § 1.121(b)(3), including a substitute specification and a marked up version of the specification as originally filed, showing the changes made in the substitute specification. Replacement Sheets have been included to address your objections to the originally filed drawings as well, pursuant to 37 C.F.R. § 1.85 and in accordance with 37 C.F.R. § 1.121(d). The remarks below are directed to the specific elements of the "DETAILED ACTION" section of your first Office Action.

#### ***Abstract***

A new Abstract has been included at the end of the enclosed substitute specification. The marked up original specification indicates that the entire original Abstract has been stricken and rewritten in compliance with 37 C.F.R. § 1.72(b). Specifically, the rewritten Abstract describes the organization and operation of the apparatus described in the disclosure, with a concise explanation of its utility as an improvement over the relevant prior art. Any "purported merits and speculative applications" have been omitted consistent with MPEP § 608.01(b).

#### ***Information Disclosure Statement***

The applicants filing the original application improperly incorporated references into the original specification instead of filing a proper Information Disclosure Statement in accordance with 37 C.F.R. § 1.98. Unfortunately, it is not possible to file a proper Information Disclosure Statement at this time. I contacted you on July 6, 2006 by telephone to determine whether you would be willing to consider the applicants' original attempt to have their cited references considered a "*bona fide*" attempt to submit a proper Information Disclosure Statement within the meaning of 37 C.F.R. § 1.97(f), which provides that references may be considered if a *bona fide* attempt was made to submit them prior to the filing of a proper Information Disclosure Statement at the discretion of the USPTO. You checked with your supervisor and informed me that in this case, the references cannot be considered at this point in time. Therefore, I am including an Information Disclosure Statement disclosing the same references originally incorrectly

incorporated into the specification, with the understanding that the Statement will be placed in the application file but not considered.

### ***Drawings***

All Claims, including Claim 1, of the original application has been canceled. The every feature of the new claims introduced with this amendment are represented in the Drawings in order to comply with 37 C.F.R. § 1.83(a). Four Replacement Sheets are included with this amendment in compliance with 37 C.F.R. § 1.121(d). No figures have been added or omitted since the filing date of the original nonprovisional application. Since the required changes to the Drawings are minor, marked up copies of the originally filed Drawings have not been included, since 37 C.F.R. § 1.121(d)(1) allows but does not require marked up originals.

### ***Claim Objections***

Improper multiple dependent Claims 3-14 of the original nonprovisional application have been canceled to overcome the objection to them based on 37 C.F.R. § 1.75(c).

### ***Claim Rejections – 35 U.S.C. § 112***

Original Claims 1-17 have been canceled and New Claims 18-35 have been introduced with this amendment. Original Claims 1-17 were all rejected under 35 U.S.C. § 112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the apparatus disclosed in the original application. The substitute specification has been substantially edited, and the New Claims have been drafted in order to comply with 35 U.S.C. § 112, second paragraph, to overcome these rejections. No new matter has been introduced into the disclosure to accomplish this goal.

### ***Claim Rejections – 35 U.S.C. § 102***

Original Claim 1 was additionally rejected as anticipated by U.S. Pat. No. 3,070,938, which discloses a cutting apparatus with a plurality of blades with their planes of rotation rotated between 1 and 90 degrees from horizontal. Specifically, the rejection was based on Figure 2 of the '938 patent.

New Claim 18, which is intended to be renumbered as Claim 1, the only independent Claim contained in the substitute specification, specifically claims the apparatus embodied in the original and amended disclosures in a way that includes several limitations that distinguish the present invention from the '938 patent. Under MPEP § 706.02(b), "A rejection based on 35 U.S.C. 102(b) can be overcome by: (B) Amending the claims to patentably distinguish over the prior art." An examination of New Claim 18 will elucidate the characteristics of the present invention that distinguish it over the '938 patent. In addition, a discussion of the '938 patent as it related to the present invention is included in the "Description of the Related Art" section of the substitute specification. See paragraph [0008] under "Background of the Invention." This discussion should help to elucidate patentable improvements claimed in the present invention relative to the '938 patent.

If you have any questions regarding the above remarks or any part of the amended application submitted herewith, please do not hesitate to contact me at 410-409-4289, or via email at [wordlloyd@comcast.net](mailto:wordlloyd@comcast.net).

Sincerely,

A handwritten signature in dark ink, appearing to read 'S. Lloyd', is written over a horizontal line.

Steven S. Lloyd  
Registered Patent Agent No. 56,650

JULY 8, 2006  
Date